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10/035,913	10/24/2001	Kurt Hoffmaster	01-40286-US	2158

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EXAMINER

LIVERSEDGE, JENNIFER L

ART UNIT	PAPER NUMBER
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3692

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/035,913

Applicant(s)

HOFFMASTER, KURT

Examiner

Jennifer Liversedge

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2007.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-16 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This Office Action is responsive to Applicant's amendment and request for reconsideration of application 10/035,913 filed on March 14, 2007.

The amendment contains original claims: 2-13 and 15-16.

The amendment contains amended claims: 1 and 14.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-10, 13-14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Promoting active-student learning using the World Wide Web in

economics courses" by S.P. Simkins et al. (further referred to as Simkins), in view of "How Networks Work" by F. J. Derfler, Jr. and L. Freed, 2000 (further referred to as Derfler).

Regarding claim 1, Simkins discloses a computer simulation system for providing a channel between at least two virtual organizations (page 2, lines 28-36, lines 47-54; page 3, lines 28-30; page 6, lines 37-38), comprising:

An account for each of the at least two virtual organizations (see email and chat which require an account: page 2, lines 30-31, lines 33-36, lines 52-53; page 4, lines 17-20; see accounts: page 4, lines 31-32, lines 45-48);

A set of defined attributes representative of virtual items and activities for each of the at least two virtual organizations, wherein each of said at least two sets is correspondent to one of said accounts, wherein said set defines at least one input to the virtual organization correspondent to the one of said accounts and at least one output of the virtual organization correspondent to the one of said accounts (page 2, lines 19-26, lines 33-36; page 3, lines 14-59; page 4, lines 30-48; page 6, lines 37-38); and

A disinterested third-party connection that provides for the creation of each of said accounts, that records activities occurring over said communicative connection, and that serves as a temporary virtual organization if the system is without at least one of said at least two virtual organizations necessary for at least one of the linear communications (page 2, lines 28-36, lines 47-54; page 4, lines 30-48; page 6, lines 37-38).

Simkins does not disclose wherein the virtual organizations are linearly communicatively connected and a communicative connection that provides for at least one of said virtual organizations to control said account of that at least one virtual organization, and that provides for a linear interacting of the at least one of said virtual organizations with other of said at least two virtual organizations, wherein the linear interacting comprises trading of said set correspondent to the at least one of said virtual organizations within the system by at least one of said virtual organizations with other of said at least virtual two organizations.

However, Derfler discloses wherein the virtual organizations are linearly communicatively connected (see Intranet, page 194-195; see LAN-to-LAN connection, page 139) and a communicative connection that provides for at least one of said virtual organizations to control said account of that at least one virtual organization, and that provides for a linear interacting of the at least one of said virtual organizations with other of said at least two virtual organizations, wherein the linear interacting comprises trading of said set correspondent to the at least one of said virtual organizations within the system by at least one of said virtual organizations with other of said at least two virtual organizations (see Biometrics, smart cards, etc., page 136 and E-mail, file service, etc., page 137; see Intranet, page 194-195; see LAN-to-LAN connection, page 139).

It would be obvious to one of ordinary skill in the art at the time of the invention to modify the economic simulations on a network as disclosed by Simkins to adapt the use of linear connection as disclosed by Derfler. The motivation would be to provide direct communication, to further simulate the exchanges that occur between business

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organizations, and to make use of network options which include a variety of communication authorizations and prohibitions in terms of enabling members to engage in various types of communication such as sharing files, sending emails, chatting, etc.

Regarding claim 2, Simkins discloses the system wherein one of said set of defined attributes is a simulated currency (page 6, lines 37-39).

Regarding claim 3, Simkins discloses wherein one of said attributes is a simulated location where the organization resides (page 3, lines 24-26).

Regarding claim 4, Simkins discloses the system wherein the system is resident on a computer (page 3, lines 8-9).

Regarding claim 5, Simkins discloses the system wherein the communication connection provides the organizations with a closed, recorded chat system (page 2, lines 30-31, lines 33-36).

Regarding claim 6, Simkins discloses the system wherein the communicative connection provides one of the at least two said organizations with an email system located at said disinterested third-party connection (column 2, lines 52-54; page 4, lines 17-20).

Regarding claim 7, Simkins discloses the system wherein the communicative connection provides at least one of the at least two said organizations with a set of at least one feedback page of consolidated information documenting transactions effecting said account of that at least one organization (page 4, line 56 - page 5, line 2).

Regarding claims 8 and 9, Simkins does not specifically disclose the system wherein said organizations initiate the simulated economy concurrently and wherein an entry and exit of the said organization is discretionary. However, Simkins discloses collaborating on economic projects (page 2, lines 28-36; page 3, lines 14-59). The Examiner takes Official Notice that it is old and well known for groups to assemble in order to achieve a common objective, such as engaging in an activity, where all group members sign up concurrently and that members will also add in and drop out as their needs and desires change. It would be obvious to one of ordinary skill in the art at the time of the invention that for students to collaborate on economic simulations by signing up concurrently, and further that some students would be required to drop out of the simulation and where new students may join in. The motivation would be to create a group wherein enough members are present to begin engaging in a simulation, while offering flexibility to meet the realities of any group dynamic.

Regarding claim 10, Simkins discloses the system wherein each of said accounts is created by said independent third party in accordance with a pay-in by each of said organizations (page 4, lines 30-36, lines 45-48).

Regarding claim 13, Simkins discloses the system wherein the system quantifies characteristics of each product or service that is transacted within the system within said accounts (page 2, lines 19-26, lines 33-36; page 3, lines 14-59; page 4, lines 30-48; page 4, line 56 – page 5, line 2).

Regarding claims 14 and 16, Simkins discloses a computer implemented method of providing a channel of communication between at least two virtual organizations (page 2, lines 28-36, lines 47-54; page 3, lines 28-30; page 6, lines 37-38), the method comprising:

Creating an account for each of the at least two virtual organizations (see email and chat which require an account: page 2, lines 30-31, lines 33-36, lines 52-53; page 4, lines 17-20; see accounts: page 4, lines 31-32, lines 45-48);

Identifying and assigning a set of defined attributes representative of virtual items and activities for each of the at least two virtual organizations (page 2, lines 19-26, lines 33-36; page 3, lines 14-59; page 4, lines 30-48; page 6, lines 37-38);

Serving as a temporary organization in an absence of at least one of said at least two virtual organizations necessary for a trading of the sets (page 2, lines 28-36, lines 47-54; page 4, lines 30-48; page 6, lines 37-38);

Recording the trading of the sets of defined attributes over the communicative connection (page 2, lines 28-36, lines 47-54; page 4, lines 30-48); and

Allowing for the trading of the sets of defined attributes between the virtual organizations (page 2, lines 28-36, lines 47-54; page 4, lines 30-48; page 6, lines 37-38).

Simkins does not disclose wherein the virtual organizations are linearly communicatively connected and a communicative connection that provides for at least one of said virtual organizations to control said account of that at least one virtual organization, and that provides for a linear interacting of the at least one of said virtual organizations with other of said at least two virtual organizations.

However, Derfler discloses wherein the virtual organizations are linearly communicatively connected (see Intranet, page 194-195; see LAN-to-LAN connection, page 139) and a communicative connection that provides for at least one of said virtual organizations to control said account of that at least one virtual organization, and that provides for a linear interacting of the at least one of said virtual organizations with other of said at least two virtual organizations (see Biometrics, smart cards, etc., page 136 and E-mail, file service, etc., page 137; see Intranet, page 194-195; see LAN-to-LAN connection, page 139).

It would be obvious to one of ordinary skill in the art at the time of the invention to modify the economic simulations on a network as disclosed by Simkins to adapt the use of linear connection as disclosed by Derfler. The motivation would be to provide direct communication, to further simulate the exchanges that occur between business organizations, and to make use of network options which include a variety of

communication authorizations and prohibitions in terms of enabling members to engage in various types of communication such as sharing files, sending emails, chatting, etc.

Claims 11-12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simkins and Derfler as applied to claims 1 and 14 above, and further in view of US Patent No. 6,188,993 B1 to Eng et al. (further referred to as Eng).

Regarding claims 11 and 12, neither Simkins nor Derfler disclose the system further comprising an investment account, wherein all of the pay-ins are placed in said investment account, and wherein said investment account is invested by said independent third party, wherein proceeds of said investment account are distributed to each of said organizations in accordance with the pay-in of each respective one of said organizations and wherein proceeds of said investment account are retained by said independent third party.

However, Eng discloses the system further comprising an investment account, wherein all of the pay-ins are placed in said investment account, and wherein said investment account is invested by said independent third party, wherein proceeds of said investment account are distributed to each of said organizations in accordance with the pay-in of each respective one of said organizations and wherein proceeds of said investment account are retained by said independent third party (column 2, lines 39-51; column 2, line 66 – column 3, line 3; column 4, lines 18-26; column 5, lines 5-7; column 6, lines 53-55).

It would be obvious to one of ordinary skill in the art at the time of the invention to modify the economic simulation and networking as disclosed by Simkins and Derfler by adapting the use of distributing and/or paying out proceeds of an investment as disclosed by Eng. The motivation would be to provide the third party with a means of making profits for managing investment funds, as well as a mechanism to maintain system balance and to benefit individuals partaking in the system.

Regarding claim 15, neither Simkins nor Derfler disclose the method wherein one of said set of defined attributes is a simulated currency, wherein a value of said simulated currency is determined by valuing an input currency using the following steps:

Receiving the input currency at a disinterested third-party;

Converting the input currency to the simulated currency using a pre-defined mathematical relation;

Crediting the simulated currency resulting from the conversion to a respective one of the accounts.

However, Eng discloses the method wherein one of said set of defined attributes is a simulated currency, wherein a value of said simulated currency is determined by valuing an input currency (column 1, lines 60-66; column 2, lines 40-51) using the following steps:

Receiving the input currency at a disinterested third-party (column 1, lines 60-66; column 2, lines 40-51; column 8, lines 30-38);

Converting the input currency to the simulated currency using a pre-defined mathematical relation (column 2, lines 40-51; column 4, lines 23-26; column 6, lines 33-37, lines 53-55);

Crediting the simulated currency resulting from the conversion to a respective one of the accounts (column 2, lines 40-51; column 4, lines 17-25).

It would be obvious to one of ordinary skill in the art at the time of the invention to modify the economic simulation and networking as disclosed by Simkins and Derfler by adapting the use of simulated currencies tied to a pre-defined mathematical relation for crediting accounts as disclosed by Eng. The motivation would be that when simulating a field in a learning environment, an exchange rate between true monetary value and monetary value used in the game scenario would need to be pre-established such that everyone would be aware of the exchange value. This would be similar to exchanging for cash for tokens at casinos; both monetary values are known and held constant for exchange and crediting purposes.

Response to Arguments

Applicant's arguments filed March 14, 2007 have been fully considered but they are not persuasive.

Applicant argues that Simkins "does nothing more than discuss the value of the Internet" and that there is nothing suggesting where virtual organizations conduct virtual economic transaction and decision-making. Examiner disagrees. The Simkins article discloses the use of simulation to facilitate in learning by providing a hands-on approach

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to learning. Simkins discloses virtual learning communities, and simulations of a Federal Open Market Committee meeting in which students represent one of the 12 districts. In this way, students participate in a simulation of a FOMC meeting. Students connect where groups represent the 12 districts virtually, where the students are virtual organizations representing the districts and a virtual meeting is also represented.

Similarly, Simkins discloses a simulated stock investment game. A stock market does not work with a single entity, there must exist at least a market and at least one other entity trading. Simkins discloses a disinterested third-party that provides for account creation of the stock market as the simulation is managed not by the students participating in the investment simulation but rather by a governing entity.

Further, with regards to Applicant's arguments regarding the creation of a temporary virtual organization if one is needed for communication, this concept is the heart of simulation. Within a simulation, a situation experience is established, be it investment in a stock market or a FOMC meeting or any other number of simulation possibilities. The simulation system provides an organization such that the individual participating in the simulation has a system in which to engage. Simkins discloses both group and individual simulations. Within group simulations, a server could provide either simulated entities for which the participants could interact with. With an individual simulation, all entities and experiences would be generated by the simulation server.

Applicant states that Applicant was left with "no choice but to discuss Simkins on the merits, without knowing if Simkins even qualifies as art disclosed prior to the filing date of Applicant's invention or if the located Simkins reference is the reference cited in

the present action" and that the cited sections are "very far from that described in the Office Action". Examiner advises that a copy of each non-patent literature reference cited by an Examiner is to be provided to the Applicant with the Office Action and if the USPTO failed in this delivery, Applicant is urged to contact the Examiner in order that a faxed copy could be provided and Examiner would be more than happy to provide a copy by this means. Upon review of the examination history for this application, there is evidence that the Simkins reference as provided with the initial Office Action was entered as part of the record on the same date that the Office Action was made part of the record. If Applicant is still unable to retrieve this reference electronically, Examiner would be happy to send a fax upon request. The date of the reference is Summer of 1999, with full bibliographic data provided in the Notice of References Cited that accompanied the first Office Action.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Jennifer Liversedge whose telephone number is 571-272-3167. The examiner can normally be reached on Monday – Friday, 8:30 – 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached at 571-272-6777. The fax number for the organization where the application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer Liversedge

Examiner

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RICHARD E. CHILCOT, JR.
SUPERVISORY PATENT EXAMINER